

REMARKS/ARGUMENTS

Status of the Claims

Claims 1, 13-17, 19-20, 24-27, 48, 50-52, and 54 were pending in the application. Claims 1, 13-17, 19-20, 48, 50-52, and 54 were rejected. Claims 24-27 were objected to as being dependent on a rejected claim. Claims 1, 13-17, 19-20, 24-27, 48, 50-52, and 54 are currently pending.

Claim 1 is amended to recite a target microbial organism selected from the group consisting of *Pseudomonas* and *E. coli*. This amendment adds no new matter. Support for this amendment is found throughout the specification, *e.g.* at page 4, lines 2-5, and at page 4, lines 1-13.

Claim 14 is amended to recite the amino acid sequence of SEQ ID NO:16. This amendment adds no new matter. Support for this amendment can be found, *e.g.*, in the specification at page 11, line 10.

Claim 17 is amended to recite the amino acid sequence of SEQ ID NO:71. This amendment adds no new matter. Support for this amendment can be found, *e.g.*, in the specification at page 32, line 16.

Claim 54 is amended to recite the amino acid sequence of SEQ ID NO:70. This amendment adds no new matter. Support for this amendment can be found, *e.g.*, in the specification at page 32, line 13.

Rejection under 35 U.S.C. § 112, first paragraph: enablement

On page 4 of the Office Action, the Examiner rejected claims 1, 13-17, 19-20, 48, 50-52, and 54 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. The Examiner stated that the specification, "*while being enabling for methods of killing Pseudomonas species and E. coli utilizing compositions . . .* does not reasonably provide enablement for methods of killing any other microbial species utilizing said compositions" (emphasis added).

Without acquiescing on the merits and in order to expedite prosecution, Applicants have amended claim 1 to specifically recite a targeted microbial organism selected from the group consisting of *Pseudomonas* and *E. coli*. Based on the amendment to claim 1, Applicants believe that the rejection is now moot. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Rejection under 35 U.S.C. § 112, first paragraph: written description

On page 5 of the Office Action, the Examiner rejected claims 1, 13-17, 19-20, 48, 50-52, and 54 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. The Examiner stated on page 7 that, "*only methods of killing Pseudomonas species and E. coli*, but not the full breadth of the claims meets the written description provision of 35 USC 112, first paragraph" (emphasis added).

Without acquiescing on the merits and in order to expedite prosecution, Applicants have amended claim 1 to specifically recite a targeted microbial organism selected from the group consisting of *Pseudomonas* and *E. coli*. Based on the amendment to claim 1, Applicants believe that the rejection is now moot. Accordingly, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/706,391
Amdt. dated June 16, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1645

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

A handwritten signature in cursive script that reads "Annette S. Parent".

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